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Security Council

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Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 8 June 2004 from the Permanent Mission of Norway to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Norway to the United Nations presents its compliments to the Chairman of the Committee and, with reference to paragraph 9 of resolution 1533 (2004), has the honour to present the attached information regarding the actions taken by Norway to implement effectively the measures imposed by paragraph 20 of resolution 1493 (2003) (see annex).

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Annex to the note verbale dated 8 June 2004 from the Permanent Mission of Norway to the United Nations addressed to the Chairman of the Committee

REPORT TO THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO COUNCIL RESOLUTION 1533 (2004) CONCERNING THE DEMOCRATIC REPUBLIC OF THE CONGO, CF. PARAGRAPH 9 OF THAT RESOLUTION

N O R W A Y

I. Introduction

1. Norway is fully committed to complying with the demand, laid down in paragraph 20 of resolution 1493 (2003), that all States take the necessary measures to prevent the supply of arms and any related materiel or assistance to armed groups operating in North and South Kivu and in Ituri, and to groups not party to the Global and All-Inclusive agreement on the Transition in the Democratic Republic of the Congo.

II. Legal measures

2. Section 1 of Act of 7 June 1968 No. 4[1] relating to the implementation of mandatory decisions of the Security Council of the United Nations provides the legal basis for the King in Council to issue such regulations as are necessary in order to implement such decisions.

3. The regulations of 10 October 2003 No. 1221[2] relating to sanctions against certain groups and militias operating in the Democratic Republic of the Congo were laid down pursuant to section 1 of the above-mentioned Act in order to implement the measures laid down in paragraphs 20 and 21 of resolution 1493.

4. Pursuant to section 2 of the above-mentioned Act, any wilful or negligent contravention of the regulations, or assistance thereto, is punishable by fines, imprisonment or both.

5. Pursuant to section 3 of the above-mentioned Act, objects which are imported or exported in contravention of the regulations, or in regard to which an attempt to import or export has been made, as well as any means of payment or securities employed in contravention of the regulations, may be confiscated by court order.

III. Cooperation with the Committee, the Group of experts and MONUC

6. Norway will continue to cooperate fully with the Committee, the Group of experts and MONUC. Norwegian authorities are not aware of any violations of the measures imposed by paragraph 20 of resolution 1493.

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[1] Enclosure No. 1
[2] Enclosure No. 2

Enclosure No. 1

Act No. 4 of 7 June 1968 relating to the implementation of mandatory decisions of the Security Council of the United Nations

§ 1. The King is authorized to take such decisions as are necessary in order to implement mandatory decisions of the Security Council of the United Nations.

The King determines whether a decision of the Security Council is mandatory.

§ 2. Anyone who wilfully contravenes or is wilfully accessory to the contravention of provisions issued pursuant to this Act is liable to fines or to a maximum term of three years' imprisonment or both.

Anyone who through negligence contravenes or is through negligence accessory to the contravention of such provisions as mentioned in the first paragraph is liable to fines or a maximum term of six months' imprisonment or both.

§ 3. Objects which are imported or in regard to which an attempt has been made to import, or exported or in regard to which an attempt has been made to export, in contravention of any provisions issued pursuant to this Act, as well as any means of payment or securities employed in contravention of such provisions, may be confiscated by court order irrespective of ownership and without criminal proceedings being instituted, or the possibility of their being instituted, against any party. If confiscation does not prove possible, the offender or the party on whose behalf he has acted may be ordered by the court to pay an amount equivalent to the partial or entire value of the objects without the necessity or possibility of instituting criminal proceedings against any party.

Confiscation in terms of this provision is not to be considered a penalty.

§ 4. This Act enters into force immediately.

Enclosure No. 2

Regulations of 10 October 2003 No. 1221 relating to sanctions against certain groups and militias operating in the Democratic Republic of the Congo

Laid down by Royal Decree of 10 October 2003 pursuant to Act of 7 June 1968 No. 4 relating to the implementation of mandatory decisions of the Security Council of the United Nations. Submitted by the Ministry of Foreign Affairs.

The following regulations have been laid down for the implementation of Security Council resolution 1493 of 28 July 2003.

§ 1.

1. It is prohibited for anyone in the territory of Norway and any Norwegian national regardless of his or her whereabouts directly or indirectly to sell, supply or transfer arms or any related materiel to:

a) armed groups and militias operating in the provinces of North Kivu, South Kivu or Ituri in the Democratic Republic of the Congo, or

b) groups in the Democratic Republic of the Congo that are not party to the Global and All-inclusive agreement of 17 December 2002.[1]

2. The prohibition set out in subsection 1 also applies to the use of Norwegian flag vessels or aircraft.

3. The prohibition set out in subsection 1 applies moreover to the provision of any assistance, advice or training related to military activities.

4. The prohibitions set out in subsections 1, 2 and 3 do not apply to:

a) supplies to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) or the integrated Congolese national army and police forces,

b) supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training as notified in advance to the Secretary-General through its Special Representative for the Democratic Republic of the Congo. Such notification is to be effected via the Ministry of Foreign Affairs.

5. Section 12 of the Penal Code is not applicable.

§ 2. The Ministry of Foreign Affairs is authorised to amend, suspend or repeal these regulations.

§ 3. These regulations enter into force immediately.

[1] The parties to the agreement are the Government of the Democratic Republic of the Congo, the armed groups RCD (Rassemblement Congolais pour la Démocracie), MLC (Mouvement pour la Liberation du Congo), RCD/ML (RCD-Mouvement de Libération), RCD/N (RCD-National), Mai-Mai, the (unarmed) political opposition, and representatives of civil society.